

ENTERED

July 23, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

DANNY ALLEN, §
§
Plaintiff, §
§
v. § CIVIL ACTION NO. 2:24-CV-00225
§
MICHAEL CROW, *et al.*, §
§
Defendants. §

ORDER ADOPTING MEMORANDUM & RECOMMENDATION

Before the Court is Magistrate Judge Jason Libby's Memorandum and Recommendation ("M&R"). (D.E. 36). The M&R recommends that the Court:

- Retain Plaintiff's excessive force claim against Lt. Jane Doe;
- Retain Plaintiff's equal protection claim against Warden Michael Crow and Lt. Jane Doe;
- Dismiss without prejudice Plaintiff's claims for money damages against Defendants in their official capacities for lack of subject matter jurisdiction;
- Dismiss without prejudice Plaintiff's claims against all other Defendants for failure to state a claim.

Id. at 16.

The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. No objection has been filed. When no timely objection has been filed, the district court need only determine whether the Magistrate Judge's M&R is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam); *Powell v. Litton Loan Servicing, L.P.*, No. 4:14-CV-02700, 2015 WL 3823141, at *1 (S.D. Tex. June 18, 2015) (Harmon,

J.) (citation omitted).

Having reviewed the proposed findings and conclusions of the Magistrate Judge, the filings of the parties, the record, and the applicable law, and finding that the M&R is not clearly erroneous or contrary to law, the Court **ADOPTS** the M&R in its entirety. (D.E. 36). Accordingly, the Court:

- **RETAINS** Plaintiff's excessive force claim against Lt. Jane Doe;
- **RETAINS** Plaintiff's equal protection claim against Warden Michael Crow and Lt. Jane Doe;
- **DISMISSES without prejudice** Plaintiff's claims for money damages against Defendants in their official capacities for lack of subject matter jurisdiction;
- **DISMISSES without prejudice** Plaintiff's claims against all other Defendants for failure to state a claim.

SO ORDERED.



DAVID S. MORALES
UNITED STATES DISTRICT JUDGE

Signed: Corpus Christi, Texas
July 23rd, 2025